

Application No.: 10/640,349

Docket No.: JCLA11051-R

REMARKS**Response to 35 U.S.C. 121**

The Office issued a Restriction Requirement. According to the Office action, there are three patentably distinct Species in the claimed invention and a restriction to one of these species in claims is required under 35 U.S.C. 121. Claims 1-4 and 17-18 are deemed generic to three species.

In response thereto, according to the Species made by the Office, Applicants have firstly amended claims 3-4 in line with Species I and then elect Species I, specified in claims 1-4 and 17-18 and drawn to a graphics display method wherein the blank periods are only horizontal blank periods with traverse.

Applicants do not agree the Species divided by the Office, and Applicants traverses the Restriction Requirement made by the Office based on the following reasons.

Applicants respectfully submit that such a late restriction is not reasonable. Based on the assertion indicated on page 4 of the Restriction Requirement, the Office asserted "there is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics." Nonetheless, after several Office actions and responses, the Office had conducted all searches for all claims in the past, which indicates that no serious burden to examine all pending claims at the very beginning. As regulated in MPEP 811, it reads, [B]efore making a restriction requirement after the first action on the merits, the examiner will consider whether there will be a serious burden if restriction is not required."

The amendments to claim 3 submitted along with the filing of RCE recite,

12/01/2008 MON 17:29 FAX 949 6600809 --- USPTO

RECEIVED
CENTRAL FAX CENTER

008/009

DEC 01 2008

PAGE 8/8 * RCVD AT 12/1/2008 8:16:28 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-4/2 * DNIS:2738300 * CSID:949 6600809 * DURATION (mm:ss):13:58

Application No.: 10/640,349

Docket No.: JCLA11051-R

REMARKS**Response to 35 U.S.C. 121**

The Office issued a Restriction Requirement. According to the Office action, there are three patentably distinct Species in the claimed invention and a restriction to one of these species in claims is required under 35 U.S.C. 121. Claims 1-4 and 17-18 are deemed generic to three species.

In response thereto, according to the Species made by the Office, Applicants have firstly amended claims 3-4 in line with Species I and then elect Species I, specified in claims 1-4 and 17-18 and drawn to a graphics display method wherein the blank periods are only horizontal blank periods with traverse.

Applicants do not agree the Species divided by the Office, and Applicants traverses the Restriction Requirement made by the Office based on the following reasons.

Applicants respectfully submit that such a late restriction is not reasonable. Based on the assertion indicated on page 4 of the Restriction Requirement, the Office asserted "there is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics." Nonetheless, after several Office actions and responses, the Office had conducted all searches for all claims in the past, which indicates that no serious burden to examine all pending claims at the very beginning. As regulated in MPEP 811, it reads, [B]efore making a restriction requirement after the first action on the merits, the examiner will consider whether there will be a serious burden if restriction is not required."

The amendments to claim 3 submitted along with the filing of RCE recite,

Application No.: 10/640,349

Docket No.: JCLA11051-R

"3. The method of claim 1, wherein the blank periods can be a plurality of horizontal blank periods (HBPs) or a plurality of vertical blank periods (VBPs)."

The amendments to claim 3 filed together with the submission of the RCE have not added any new elements and expanded the scope of the claims. Therefore, there will be no serious burden caused by the amendments. Consequently, withdrawal of the restriction requirement is respectfully solicited.

Since the reply to this requirement to be complete must include an election of a species to be examined and identification of the claims encompassing the elected species, Applicants have elected Species I and identified the claims encompassing the elected Species I, i.e., claims 1-4 and 17-18, wherein claims 3-4 are currently amended. Thereby, the Restriction Requirement should be deemed compliant with relevant regulations. Besides, claim 1 is the generic claim of the three species, and Applicants believe claim 1 is patentable whether the blank periods are the horizontal blank periods or just the vertical blank periods. Thus, Applicants have added new claims 19 and 20 which belong to Species II and are currently withdrawn from consideration. In claims 19 and 20, the blank periods are the vertical blank periods. The features and limitations, "the blank periods can be the vertical blank periods" are the modifications of "the blank periods can be the horizontal blank periods", and they are described and supported in paragraph [0036] and FIG. 6 of the instant application. Therefore, Applicants earnestly request the Office to take claims 1-4 and 17-20 into consideration and examination.

On the other hand, as stipulated in 37 C.F.R. 1.141, more than one species of an invention, not to exceed a reasonable number, "may be specifically claimed in different claims in one national application, provided the application also includes an allowable claim generic to all

DEC 01 2008

Application No.: 10/640,349

Docket No.: JCLA11051-R

the claimed species and all the claims to species in excess of one are written in dependent form or otherwise include all the limitations of the generic claim." Accordingly, Applicants should be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of generic claims 1-4 and 17-18.

Applicants also reserve the right to pursue the subject matter of the non-elected claims in a divisional application if Applicants so choose.

CONCLUSION

In view of the foregoing, claims 1-4 and 17-20 remain pending in the application. Favorable consideration and allowance of the present application and all pending claims are hereby courteously requested. In the event a telephone conversation would expedite the prosecution of this application, the Office is encouraged to contact the undersigned attorney to discuss the application.

Respectfully submitted,
J.C. PATENTS

Date: 12-1-2008

4 Venture, Suite 250
Irvine, CA 92618
Tel.: (949) 660-0761
Fax: (949)-660-0809


Jiawei Huang
Registration No. 43,330